

REMARKS

INTRODUCTION

In accordance with the foregoing, no claims have been canceled or added. Claims 12 and 14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-21 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §101

In the Office Action, at page 2, claims 9-11 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Patent protection extends to "any new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. §101. However, there are three judicially recognized exceptions to patent eligibility. Those exceptions are "laws of nature, natural phenomena, and abstract ideas." *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). Claims 9-11 are directed to apparatus.

The Examiner has not asserted that claims 9-11 recite laws of nature, natural phenomena, or abstract ideas. Accordingly, claims 9-11 fall squarely within the statutory categories of patent-eligible subject matter set forth in 35 U.S.C. §101. No judicial exceptions apply. Accordingly, the Applicants respectfully submit that the rejection under 35 U.S.C. §101 is clearly improper.

Further, the Applicants respectfully disagree with the statement on page 2 of the Office Action reading:

From the specifications, these recited units are computer executable software-implemented functional entities; and the claim lacks teachings to enable one skill[ed] in the art to reasonably construe that a hardware or tangible device is supporting the functionality of the software entities thus claimed.

The Applicants respectfully direct the Examiner's attention to paragraph 24 of the specification, which reads:

FIG. 4 is a functional block diagram of a programmed apparatus

(computer) installing a device driver, according to an embodiment of the present invention.

The Applicants respectfully submit that the recited apparatus is a tangible device. Accordingly, the Applicants respectfully submit that the rejection under 35 U.S.C. §101 is clearly improper.

REJECTION UNDER 35 U.S.C. §102

In the Office Action, at page 3, claims 1-4, 9-10, 12-15, and 17-21 were rejected under 35 U.S.C. §102(a) in view of "Installing the Intel Pro/Wireless 2011 LAN PC Card in Windows 2000 Professional" *WinBook Tech Article* – article no.: WBTA09000774 (hereinafter "IntelWBTA"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is respectfully requested.

Regarding claim 1, the rejection is respectfully traversed because IntelWBTA fails to teach or suggest:

copying and storing the device driver file.

The Examiner cites step 10 of IntelWBTA for teaching this operation. However, step 10 of IntelWBTA describes a dialog box notifying a user that "Windows has finished installing the software required for" an installed device. The Applicants respectfully submit that the Examiner's proposed interpretation of the copying operation of claim 1 conflates this copying operation with the installing operation, as recited in claim 1. That is, the Applicants respectfully submit that the teachings of IntelWBTA, at most, only relate to the installing operation of claim 1, and not at all to the copying operation.

Regarding claims 9, 12 and 21, the rejection is similarly traversed because IntelWBTA fails to teach or suggest:

a first driver installation unit installing in the apparatus the device driver using a device driver file input from the outside while storing a device driver file; and

a second driver installation unit, which re-installs the device driver using the stored device driver file input from the first driver installation when re-installation of the device driver is requested (claim 9);

copying and storing in the computer the device driver file (claim 12); and

copying and storing the device driver file from among the input

files (claim 21).

The Applicants respectfully submit that the argument with respect to claim 1 is also applicable to the rejection of claims 9, 12 and 21.

The Applicants respectfully submit that since IntelWBTA fails to teach or suggest all of the features of claims 9, 12 and 21, these claims are allowable over IntelWBTA. Thus, withdrawal of the 102 rejection is respectfully requested.

Regarding the rejection of claims 2-4, 10, 13-15 and 17-20, these claims depend directly or indirectly on one of independent claims 1, 9 and 12, and are therefore believed to be allowable for at least the reasons noted above.

REJECTION UNDER 35 U.S.C. §103

In the Office Action, at page 6, claims 5-8, 11 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over IntelWBTA in view of U.S. Patent Publication No. 2002/0042911 by Harms. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The Examiner states that claims 5-8, 11 and 16 are unpatentable over IntelWBTA "as applied to claims 1, 9, and 13 above, and further in view of" Harms. However, as discussed above, IntelWBTA fails to teach or suggest all of the claim features of independent claims 1, 9 and 12, from which claims 5-8, 11 and 16 directly or indirectly depend. The Applicants respectfully submit that Harms fails to make up for this deficiency.

The Applicants respectfully submit that at least because neither IntelWBTA or Harms teach or suggest all of the features of claims 5-8, 11 and 16, the proposed combination of IntelWBTA or Harms fails to establish a prima facie case of obviousness. Accordingly, claims 5-8, 11 and 16 are deemed to be allowable over the art of record. Therefore, withdrawal of the §103 rejection is respectfully requested.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further

outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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